

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

LATASHA DAVIS, JENNIFER ELLIOTT,
and MARLA ALIECE SIMS-KING,
individually and as representatives of a class
of participants and beneficiaries in and on
behalf of the WASHINGTON UNIVERSITY
RETIREMENT SAVINGS PLAN,

Plaintiffs,

vs.

WASHINGTON UNIVERSITY IN ST.
LOUIS and WASHINGTON UNIVERSITY
IN ST. LOUIS BOARD OF TRUSTEES,

Defendants.

Case No. 4:17-cv-01641-RLW

[*consolidated with* Case No. 4:17-cv-1785]

**STIPULATION AND ORDER FOR
BRIEFING SCHEDULE AND PAGE LIMITATIONS**

It is hereby stipulated by and between counsel for Plaintiffs in the above-captioned consolidated case, and counsel for Defendants Washington University in St. Louis and the Washington University in St. Louis Board of Trustees (together, “Defendants”), with reference to the proposed case management schedule set forth below, as agreed upon by the parties.

On July 11, 2017, the Court extended Defendants’ deadline to answer or otherwise respond to the initial complaint filed in the above-captioned *Davis* matter, pending potential consolidation with a related matter filed in this District, *Sims-King v. Washington Univ. in St. Louis, et al.*, No. 4:17-cv-1785-JAR. Dkt. 7. Defendants’ unopposed motion seeking such extension indicated that, should the Court consolidate the cases, the parties would submit a proposed preliminary case schedule addressing the initial production of certain documents, plaintiffs’ anticipated consolidated amended complaint, and related initial deadlines. Dkt. 5 ¶ 7.

The Court granted consolidation of the *Davis* and *Sims-King* cases on July 24, 2017, Dkt. 15, and on August 9, 2017, the parties filed a stipulation setting forth such proposed deadlines.¹

The Court has not yet ruled on the parties' previous stipulation or ordered the various deadlines proposed therein. Under that stipulation, however, Plaintiffs agreed to file an amended consolidated complaint by no later than August 21, 2017, *see* Dkt. 16 ¶ 2, which Plaintiffs have since done on that date, *see* Dkt. 24. In the interests of clarifying the applicable deadlines for Defendants' response to the consolidated complaint and, if necessary, briefing an anticipated motion to dismiss, the parties hereby stipulate to, and propose that the Court enter an order adopting, the briefing schedule set forth below, which is identical to the schedule proposed in the parties' previous stipulation. In addition, the parties agree and stipulate that a modest enlargement of the Court's 15-page limitation for memoranda of law is justified with respect to briefing Defendants' anticipated motion to dismiss, particularly given the length of Plaintiffs' consolidated complaint and the number of claims that complaint raises.

Accordingly, the parties stipulate to, and propose that the Court enter an order adopting, the following:

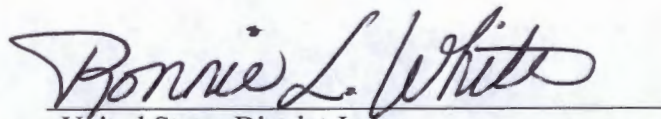
- (1) Defendants will file a motion to dismiss the consolidated complaint, or otherwise respond to the consolidated complaint, no later than October 5, 2017 (45 days from the filing of the consolidated complaint). Defendants' memorandum of law in support of their anticipated motion to dismiss shall not exceed twenty-five (25) numbered pages, exclusive of the cover and signature pages, table of contents and table of authorities.

¹ At the time of that stipulation (Dkt. 16), Defendants had already produced Plan-related documents requested by Plaintiff *Sims-King* pursuant to ERISA Sections 101, 29 U.S.C. § 1021, and 104(b)(4), 29 U.S.C. § 1024(b)(4). The previous stipulation therefore did not address the production of such documents.

- (2) Plaintiffs will have 45 days from the filing of Defendants' response to the consolidated complaint (i.e., November 20, 2017, if Defendants file a motion to dismiss on October 5, 2017) to file an opposition to Defendants' anticipated motion to dismiss. Plaintiffs' memorandum of law in opposition to the anticipated motion to dismiss filed by Defendants shall not exceed twenty-five (25) numbered pages, exclusive of the cover and signature pages, table of contents and table of authorities..
- (3) Defendants will have until 30 days from the filing of Plaintiffs' opposition to the anticipated motion filed by Defendants (i.e., December 20, 2017, if Plaintiffs file their opposition brief on November 20, 2017) to file a reply memorandum. Defendants' reply memorandum shall not exceed fifteen (15) numbered pages, exclusive of the cover and signature pages, table of contents and table of authorities.

WHEREFORE, Plaintiffs and Defendants respectfully request that the Court approve and endorse the schedule and revised page limitations as set forth herein.

APPROVED AND ORDERED,
this 5th day of September, 2017


United States District Judge
Hon. Ronnie L. White

Dated: August 31, 2017

Respectfully submitted,

/s/ Matthew A. Russell

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing document was served via electronic filing (CM/ECF) on this 31st day of August 2017, to all counsel of record.

/s/ Matthew A. Russell